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15 FINJAN, INC.

16  
17 **IN THE UNITED STATES DISTRICT COURT**  
18  
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
20  
21 **OAKLAND DIVISION**

22 FINJAN, INC., a Delaware Corporation,

23 Plaintiff,

24 v.

25 BITDEFENDER INC., a Florida Corporation  
26 and BITDEFENDER S.R.L., a Romanian  
27 Corporation,

28 Defendants.

Case No.: 4:17-cv-4790-HSG

**PLAINTIFF FINJAN, INC.'S  
REQUEST FOR JUDICIAL NOTICE**

**REQUEST FOR JUDICIAL NOTICE**

Plaintiff Finjan, Inc. (“Plaintiff” or “Finjan”) respectfully requests that the Court take judicial notice of the Claim Construction Order, attached hereto as Exhibit A, issued in the case *Finjan, Inc. v. Cisco Systems, Inc.*, No. 17-cv-00072-BLF (N.D. Cal. 2018) on July 23, 2018, which addresses construction of terms for U.S. Patent Nos. 6,804,780; 8,141,154; and 8,677,494 that are also asserted in this case.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Courts may take judicial notice of facts that can be “accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Judicial notice is appropriate even after the record is closed. *See* Fed. R. Evid. 201(f); *Grup One, Ltd. v. Hallmark Cards, Inc.* 407 F.3d 1297, 1306 (Fed. Cir. 2005) (finding it proper to take judicial notice of patent’s reinstatement after jury reached verdict, but before entry of judgment).

Here, the attached Claim Construction Order addresses construction of terms for three of the four patents asserted in this case, namely U.S. Patent Nos. 6,804,780; 8,141,154; and 8,677,494. *See* Exhibit A at 20, 23, and 35; *see also* *Finjan, Inc. v. Symantec Corp.*, No. 14-cv-02998-HSG, Dkt. No. 170 at \*4 (N.D. Cal. Feb. 10, 2017) (noting greater deference to interpretations by Courts in the same District and “the particular importance of intrajurisdictional uniformity in claim construction”). Further, this Court may take judicial notice of orders filed in different cases. *United Tactical Sys., LLC v. Real Action Paintball, Inc.*, No. 14-CV-04050-MEJ, 2014 WL 6788310, at \*5 (N.D. Cal. Dec. 2, 2014) (taking judicial notice of orders and motions filed in different cases); *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (“when a court takes judicial notice of another court’s opinion, it may do so not for the truth of the facts recited therein, but for the existence of the opinion, which is not subject to reasonable dispute over its authenticity.” (citation and internal quotation marks omitted)). Thus, Finjan’s Request for Judicial Notice is appropriate.

**CONCLUSION**

For these reasons, Finjan respectfully requests that the Court grant this Request for Judicial Notice.

Respectfully submitted,

Dated: July 26, 2018

By: /s/ Austin Manes

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